

Notice of Allowability

Application No.

09/517,195

Examiner

James A. Reagan

Applicant(s)

YOUNG, CHARLES E.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on 24 July 2006.
2. ☒ The allowed claim(s) is/are 21-23,25,27-45,47 and 49-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the response filed on 24 July 2006.
2. Claims 21, 40, 47, and 49 have been amended.
3. Claims 26, 46, and 48 have been canceled.
4. Claims 21-23, 25, 27-45, 47, and 49-57 are currently pending and have been examined.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
6. Authorization for this examiner's amendment was given in a telephone interview with PHILIP ASKENAZY on 21 September 2006.

The application has been amended as follows:

Claim 27 (previously presented): The method of claim ~~[[26]]~~ 21 comprising:

displaying the object to the viewer for a first short predetermined time;
collecting first viewer reactions to the first short display;
displaying the object to the viewer for a second longer predetermined time; and
collecting second viewer reactions to the second longer display; and
displaying to the decision maker a plurality of images, wherein each image is derived from each of the collected viewer reactions.

Allowable Subject Matter

7. Claims 21-23, 25, 27-45, 47, and 49-57 are allowed. See Reasons for Allowance under separate heading.

Reasons For Allowance

8. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system components of:

- *displaying an undivided display object on a display screen for a predetermined time of between approximately ¼ second and 4 seconds to at least one viewer for the purposes of collecting viewer reactions to the display object;*
- *collecting cognitive viewer reactions to at least one element of the display object after the at least one viewer has viewed the undivided display object;*
- *dividing the display object into a plurality of spatial regions, such spatial regions being mapped to the display object, after the step of displaying the display object to at least one viewer;*
- *correlating the previously collected viewer reactions with the spatial based on the viewer reactions corresponding to each spatial region.*
- *displaying to the decision maker, and not the at least one viewer, the display object with at least one characteristic regions of the display object;*
- *image processing, using a computer or other processor, the previously collected viewer reactions corresponding to each spatial region;*

More specifically, the prior art of record fails to disclose displaying an image for a specific range of time, overlaying a grid onto the image, and providing the viewer reactions to the image

to a decision maker for interpretation. Independent claims 21 and 40 are distinguished over the closest prior art of Bell (US 5,424,945 A), which teaches a document (display object) is analyzed and given a visual aspect in view of certain criteria and a grid is electronically placed over the aspect (see at least column 7, lines 3-10), the grid is divided into a plurality of spatial regions being a matrix of cells as shown in at least Figure 3. As recited in independent claims 21 and 40, it is clear that the Applicant's invention is distinguished over the Bell invention in at least the method step and/or system component of presenting the image to the viewer without overlaying the grid for time between approximately $\frac{1}{4}$ second and 4 seconds, collecting the reactions, and providing the image with the imposed grid to a decision make who interprets the data.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **ANDREW J. FISCHER** can be reached at **571.272.6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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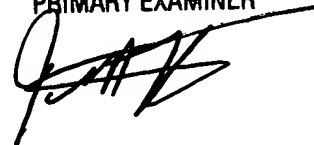
JAMES A. REAGAN

Primary Examiner

Art Unit 3621

21 September 2006

JAMES A. REAGAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'J. Reagan', written over the printed name and title.